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09/908,731

07/20/2001

Yasushi Kaneko

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/908,731

Examiner

Toan Ton

Applicant(s)

KANEKO, YASUSHI

Art Unit

2871

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 29 April 2003.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-20 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Remarks [product-by-process]

1. The following claimed phrases have not been given patentable weight because they have been held that even though product-by-process claims are limited by and defined by process, determination of patentability is based on the product itself. See *In re Thorpe*, 777 F.2d 695, 697, 227 USPQ 964, 966 (Federal Cir. 1985): "by anodic oxidation"

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-10, 14, 16, 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Motomura et al (US 6456347).

Motomura discloses (see at least Figure 3) a transfective LCD device comprising: a liquid crystal layer sandwiched between upper and lower substrates (21, 22); a semi-transmissive film 26 (Applicant's transfective layer) disposed on an inside of the lower substrate, wherein the semi-transmissive film has both a light reflective property and a light transmissive property; a upper polarizer 13 disposed on an outside of the upper substrate 21; a lower polarizer 15 and a backlight disposed on an outside of the lower substrate 22; an upper compensator 12 disposed

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between the upper polarizer and upper substrate; a lower compensator 14 disposed between the lower polarizer and the lower substrate; color filters 27 formed one of the upper and lower substrates.

Motomura discloses the use of STN (super-twisted nematic) liquid crystal (col. 10, lines 3-5)

Motomura discloses the semi-transmissive film having a mirror-like surface or a light scattering surface (col. 4, lines 12-14).

Motomura discloses a light scattering layer 35 disposed on an outside of the upper substrate.

Motomura discloses the first/second compensator formed of a plurality of compensating films (see claims 27-29)

Motomura discloses an overcoat (Applicant's protective film) layer 29 disposed between the semi-transmissive film and an electrode layer 30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motomura as applied to claims 1-10, 14, 16, 18-20 above.

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Motomura discloses the semi-transmissive film comprising materials such as TiO_2 . Materials such as AlO_2 would consider as functional-equivalent to materials such as TiO_2 . Therefore, it would have been obvious to one of ordinary skill in the art to employ materials such as AlO_2 because its functional-equivalence to TiO_2 .

Per claims 15 and 17, the optimum range would have been at least obvious to one of ordinary skill in the art so as achieving desirable image effect.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan Ton whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

July 3, 2003

TOANTON
PRIMARY EXAMINER